REMARKS

Claims 1-15 remain in this application, and new claims 16 and 17 are added. Reconsideration of the application is requested.

The objection to the drawings appearing in section 1 on page 2 of the Office Action is moot as a result of the amendments to claims 8, 9, 13, and 14 above.

The amendments above are made after consideration of the comments provided by the Examiner in section 3 on page 3 of the Office Action. All of the claims in this application now comply with the requirements of 35 U.S.C. § 112, second paragraph.

Independent claim 1 is rejected, along with claims 2-6, as being anticipated by U.S. Patent 6,773,031 to Haig. Reconsideration is requested.

In section 5 on pages 3-4 of the Office Action, the Examiner discusses the embodiment particularly illustrated in Figures 7 and 8 of the Haig patent. In Figures 7 and 8, the Haig patent discloses a side impact protection apparatus 10c integrated into a side vehicle door 22c and having an inflation fluid gas source 120. A side curtain 14c is inflatable by the gas source, and a deployment device 16c operative to deploy the curtain 14c. The elongated curtain 14c is arranged along an upper edge of and behind in its resting state. The inflatable curtain 14c is arranged in a housing 30c in the resting position, whereby a tear seam 40 running in the longitudinal direction of the vehicle is provided on an upper wall of this housing 30. The Haig housing 30c and airbag 14c are arranged in an interior of the side door 22c and are attached to the side of an inner door panel facing the interior by a plurality of fastening means 34c.

In each of the Haig configurations, a door panel, *e.g.* 44, is in direct contact at one side and vertically with an inner side door panel, *e.g.* 46. Referring again to Figures 7 and 8 in particular, the outer panel of the side door 22c extends vertically slightly above the door panel and has an upper wall section that is bent approximately horizontally and directed toward the side window 24c and the door and inner side door panels. During a side impact, the deployment member 52c of the deployment device 16c extends upward in a vertical direction, thereby pressing the horizontally aligned wall section of the panel upward so that the latter then extends approximately vertically as shown, for example, in Figure 8. The curtain 14c emerges between the window 24c and the inner door panel after a tear seam 40c of the housing 30c is ripped, and the curtain 14c is guided upwards by the deployment device 16c connected thereto.

The Haig deployment device 16 is arranged inside of the body of a vehicle door and, moreover, has a complex and expensive design. The Haig device additionally introduces considerable risk for occupants of the vehicle in its extended position because it extends to an immediate head impact area of a vehicle occupant and because, when a horizontal wall section of the panel is shifted to a vertically aligned position, partial areas of the panel break away. The present invention, in contrast to the Haig configuration, provides a prefabricated airbag module arranged in a cavity between a door interior element, such as the large area internal sheet 16 shown in Figure 2 of the present application, and an internal covering, such as 11. It is respectfully submitted that the Haig patent does not in fact disclose a side impact protective apparatus for a motor vehicle occupant comprising, in addition to other features,

a covering fastened to two ends of the gas bag approximately at the height of a lower edge region of a gas bag on a side wall, a swiveling axis for a pivotal upper region of the covering formed by an ideal connection line as particularly specified, and a defined weakening is provided adjacent the pivotal upper region as claim 1 of this application particularly defines.

The secondary documents relied on together with the Haig patent disclosure by the Examiner in sections 7-11 on pages 5-7 of the Office Action do not suggest modifying the Haig device so as to meet the limitations referred to. The structure forming the subject matter of Japanese document 3-284443 to Nishitake, for example, is integrated into a door of the vehicle by inserting a prefabricated airbag module, including a case 11, an airbag 12, an inflator 13, and a covering member 14 into a niche-shaped recess in an inner panel 6 of a door securing the structure there. The niche-shaped recess is adjacent to a belt line of the vehicle, forming, in the event of a crash, an unwanted breaking line because of the reduction in cross section provided there. The inner panel 6 is covered, together with the installed airbag module, toward the passenger space by trim 9. As Figure 5 shows, in the structure forming the subject matter or this Japanese publication, an upper section 9a of the trim is connected by an internal hinge 16 to the trim panel. When the airbag is inflated, this section 9a pivots as a flap. In the structure forming the subject matter of Japanese document, there is no suggestion of a covering is fastened to two ends of the gas bag approximately at the height of a lower edge region of the gas bag on the side wall, a swiveling axis formed by an ideal connection line oriented as specified, and a defined weakening is provided adjacent the pivotal upper covering region

as claim 1 particularly defines. It follows that the Haig patent and the Nishitake publication, taken as a whole, fail to suggest the subject matter of claim 1. The other secondary documents mentioned by the Examiner also fail to suggest modifying the Haig devices so as to meet the limitations of claim 1 discussed.

It is respectfully submitted that claim 1 as it now appears in the application is patentable for the reasons discussed above. The rest of the claims in this application are dependent claims and are patentable as well.

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52962US).

Respectfully submitted,

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